

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

POWERTRAIN, INC., a Mississippi corporation; TOOL MART, INC., a Mississippi corporation; WOOD SALES COMPANY, INC., a Mississippi Corporation, }
Plaintiffs, }
v. }
AMERICAN HONDA MOTOR CO., INC., a California corporation, }
Defendant. }
AMERICAN HONDA MOTOR CO., INC., a California corporation, }
Counterclaimant, }
v. }
POWERTRAIN, INC., a Mississippi corporation; TOOL MART, INC., a Mississippi corporation; WOOD SALES COMPANY, INC., a Mississippi Corporation; BEST MACHINERY AND ELECTRICAL, INC.; JOYCE MA, Individually; PUMA CORPORATION or PUMA INDUSTRIES, INC.; CHINA NATIONAL ELECTRONICS IMPORT AND EXPORT ZHEJIANG COMPANY; TONG YONG ENGINE MADING, INC. OR SHAOXING TONGYONG ENGINE MADING COMPANY, INC. d/b/a TEBCO; XING YUE GROUP; and ZHEJIANG EVER FINE ELECTRIC APPLIANCE GROUP, LTD., }
Counterdefendants. }
Civil Action No.: 1:03CV668MD
MOTION TO BE RELIEVED AS ATTORNEY OF RECORD FOR COUNTERDEFENDANTS BEST MACHINERY & ELECTRICAL, INC'S AND JOYCE MA

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COUNTERDEFENDANTS BEST MACHINERY & ELECTRICAL, INC'S AND JOYCE
MA

Counsel Raymond Buendia for Counter defendants Joyce Ma ("Ma") and Best Machinery & Electrical, Inc. ("Best") brings this motion to be relieved as attorney of record for them. Said motion is based on the facts as set out below:

I.

This matter was filed by Powertrain, Inc., and the named plaintiffs above, asserting certain business torts against defendant Honda on December 16, 2003. Honda then filed a counterclaim on June 9, 2005, naming Joyce Ma and Best as counter defendants. Honda effected service on Best during the early part of August, 2005. With the assistance of counsel, these counterdefendants then answered and filed a counterclaim on September 26, 2005.

Mr. Buendia's Declaration sets out in more detail, to the extent attorney-client confidentiality allows, the circumstances leading to this motion to be relieved as attorney of record for the Counterdefendants Ma and Best.

In summary, counsel has lost communication with Joyce Ma who in addition to being named a party in this matter by defendant Honda, is also the only contact of communication for the corporation Best. Without the attorney-client relationship existing between counsel and Ms. Ma, there is not communication between counsel and the corporate Counterdefendant Best. It is a circumstance which cannot support an effective attorney-client relationship and as well affects the ability to provide effective assistance of counsel in this matter.

Thus, the necessity for the Court to consider this motion and the facts supporting

establishing good cause for granting this motion.

For these reasons the Court should allow Mr. Buendia to withdraw as attorney of record for Counterdefendants Ma and Best.

II.

CONCLUSION

Accordingly, the Court should grant this motion based on the points argued above. There is no prejudice to the Counterdefendants Ma and Best given that the trial date in this matter has been set in August, 2007, and more than sufficient time exists to allow the parties to seek alternate counsel if they so wish.

Respectfully submitted,

Dated: December 5, 2006.

s/ Raymond Buendia

RAYMOND BUENDIA

Attorney for Best Machinery & Electrical, Inc.

CERTIFICATE OF SERVICE

I, Raymond Buendia, the attorney for Counterdefendants, hereby certifies that I have served a true and correct copy of the above and foregoing Motion To Be Relieved As Attorney Of Record For Counterdefendants Best Machinery & Electrical, Inc's And Joyce Ma electronic filing in the adversary proceedings on the following entities on the date subscribed below and as to those not on the electronic mailing list, mailing to the respective addresses occurred on the date below:

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Dated: December 5, 2006.

s/Raymond Buendia
RAYMOND BUENDIA